

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1 and 7 have been amended. Claims 1-4 and 7-10 are pending and under consideration.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

I. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-4, claims 1-2, 4, 7-8, and 10 were rejected under 35 USC § 103(a) as being unpatentable over Tagar et al. (U.S. Patent Application No. 2004/0208608) in view of Zhou (U.S. Patent Application No. 2003/0219198).

Tagar et al. and Zhou, alone or in combination, do not discuss or suggest:

40 Gbps optical signals are sent only between the transmitting end station and the second optical repeater node, between adjacent second optical repeater nodes, or between the second optical repeater node and a receiving end station,

as recited in amended claim 1.

If 40Gbit/s optical signals are sent through the wrong spans, including spans other than the spans specified in claim1, a dispersion compensation profile for the wrong spans becomes not suitable for 40Gbit/s optical signals, thereby degrading significantly a characteristic of transmission. Therefore, transmission spans for 40Gbit/s optical signals are restricted to the spans specified in claim 1, more specifically, between the transmitting end station and the second optical repeater node, between adjacent second optical repeater nodes, and between the second optical repeater node and a receiving end station. These features are not disclosed by the combination of Tagar et al. and Zhou.

Since the cited prior art references, alone or in combination, do not discuss or suggest all of the features of claim 1, claim 1 distinguishes over the cited prior art. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2 and 4 depend directly from claim 1, and include all the features of claim 1, plus additional patentable features that are not discussed or suggested by the cited prior art.

Therefore, claims 2 and 4 patentably distinguish over the cited prior art for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 2 and 4 is respectfully requested.

None of the cited prior art, alone or in combination, discusses or suggests:

40 Gbps optical signals are sent only between the transmitting end station and the second optical repeater node, between adjacent second optical repeater nodes, or between the second optical repeater node and a receiving end station,

as recited in amended claim 7, so that claim 7 distinguishes over the cited prior art. Accordingly, withdrawal of the rejection of claim 7 is respectfully requested.

Claims 8 and 10 depend directly from claim 7, and include all the features of claim 7, plus additional patentable features that are not discussed or suggested by the cited prior art. Therefore, claims 8 and 10 patentably distinguish over the cited prior art for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 8 and 10 is respectfully requested.

In the Office Action, at page 4, claims 3 and 9 were rejected under 35 USC § 103(a) as being unpatentable over Tagar et al. in view of Tagar et al. and Tsuritani et al. (U.S. Patent No. 6,768,872).

As discussed above, Tagar et al. and Zhou do not discuss or suggest all of the features of independent claims 1 and 7. Tsuritani et al. fails to make up for these deficiencies, such that claims 1 and 7 each patentably distinguish over the cited prior art. Claims 3 and 9 depend directly from claims 1 and 7, respectively, and include all the features of claims 1 and 7, respectively, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claims 3 and 9 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 3 and 9 is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/777,675

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

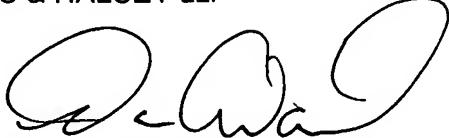
Respectfully submitted,

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